



THOUGHTS ON JURY SERVICE

By Susan Helfrich

I recently had what I thought was the misfortune of being called to jury duty, and worse, being selected to serve as a juror in Vanderburgh Circuit Court. Over my years with the EBA I have thought about many things I wanted to put in the newsletter, but in the end, have never followed-through. However, this experience was so compelling, that I feel I have to share my thoughts with you, those who are so familiar with the court system, and often earn your living in front of six or twelve people just like me.

I have always been a true believer in the American system, even when I was in disagreement with the direction of a particular governing unit, whether it be federal, state or local. In my younger years, I demonstrated, protested, became political, and still cling to the belief that individuals do make a difference. I have never had that so reinforced as it was during my two short days of jury service.

No one called for jury duty wants to serve. I never thought that I would be picked, and felt confident that even when called, I knew I would be released because of who I was and who I knew. The others who were sitting with me were also thinking of any way they could avoid selection. However, once sworn in, all of us answered every question truthfully and honestly, and the final selection of twelve took very little time. Once the Child Molestation case began, I saw the entire group develop into a cohesive unit with one clear goal, to seek the truth and render a fair and impartial verdict. A variety of people were serving, including a special ed teacher, a maintenance worker, a retired coach, a business owner, engineer, computer specialist, etc. In an instant, they became focused on the case, the defendant, and the victim, with an intensity that certainly surprised me. It was difficult, knowing that if found guilty of this charge, the defendant faced both punishment and being hated by society forever. On the other hand, if guilty, the victim, a nine-year old girl, had already experienced an unspeakable tragedy that literally made your stomach turn..

The Summation

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With no physical evidence, the case was based entirely on testimony. Under the new rules, we could take notes, ask questions, and discuss the case before the trial end. Although I have not served before, I can't imagine how difficult it would have been without notes and not being able to discuss issues and testimony after it was presented. Everyone took copious notes and, we were told later, asked more questions than any other jury in Circuit Court to date. I don't know if that is good, or just being pesky! (All but three of the questions submitted were asked by the judge.)

Throughout the case, and after deliberations began, everyone treated each other with respect and dignity. The process chosen for deliberation was to ask everyone to comment on each witness, determining what was credible, and what involved contradictions and/or perceived outright lies. This process was thorough, and we then took our first vote. With ten "guilty," one "not-guilty," and one "not sure," we went back to discussion. To a person, those serving kept the jury instructions open in front of them, checking to see what weight should be given, what to use to judge truth, and referring back to the notes taken during testimony. In the end, on the second vote, we reach a unanimous guilty verdict. It was not easily achieved, and the pain we felt for the victim was then joined by the sorrow we felt for the defendant's son because we had convicted his father.

After reaching the verdict, while waiting for Court to reconvene, we discussed our experience. The high regard my fellow jurors felt for the Prosecutors, Donita Farr and Anna Clutter, and Defense Counsel, Dennis Vowels, Magistrate Kiely, Bailiff Shelly Macer, and Court Reporter Jeanine Martin, was expressed over and over. The pride of having done their job and making the system work was evident in the jurors' eyes, and certainly in my heart. All agreed it was an incredible experience, and they would never regret serving, nor would they avoid service in the future. To quote one of the jurors, speaking to Magistrate Kiely, "I will tell anyone who asks, it was an honor to serve."

All you do as lawyers is never fully appreciated. But you need to know that when the system is viewed up close, by twelve ordinary citizens, it lives up to everything that our Founders wanted it to be. For that, you can be proud of your profession and all you do to make our system work.